IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P NO 2155 /2001

PETITIONER:

1. Smt. Irawati Majumdaf,
W/o Late M L Majumdar,
Near F C I Depot,
Nawagaon Road,
Dhamtari, Chhattisgarh.

P.R. No. 2127/07
Presented by Shri Pankaj Kotecha
6/10/07

Versus

RESPONDENTS:

1. The Employees Provident Fund Organisation,
Through: Its Commissioner,
8&9th Floor, Mayur Bhawan,
Connaught Circus,
New Delhi-1.

2. Food Corporation of India,
Through: Distt. Manager,
Madina Manzil ,Kacheri Chowk,
Raipur-Chhattisgarh.

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(21)

आदेश पत्रक

मामला क्रमांक W.P.2155 सन् 200 |

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

14.12.2001 :

Shri P.S.Koshi learned counsel for the petitioner.

Shri B.P.Gupta learned counsel for respondent no.2.

Shri A.S.Gaharwar learned Sr.Standing Counsel for Union of India, appears for respondent no.1.

Heard.

The writ petitioner is the wife of late Shri Motilal Mazumdar who died in harness on 22.9.95. Thereafter, she represented the competent authority for grant of family pension. It is contended that in fact certain formats were also filled-up by her which are required in such a matter. Some-how the matter was not settled. For the second time sometime in 1998 - 99 again she was required to fill up formats on the ground that there were some changes in the format for this purpose. It is contended that the said requirement was also complied with. This statement is supported by an affidavit. At this stage Shri Koshi submits that in fact it is also incumbent upon the Competent Authority to fill up necessary format for the purpose of settlement of family pension. According to Shri Koshi it will be too technical to raise any objection on such issue. Shri Gupta representing the Food Corporation of India submits that if the petitioner's claim is founded then the

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[पीछे देखिये

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

competent authority will consider the same and whatever is found to be payable to the writ petitioner the same shall be paid to her.

As stated above, Shri Koshi submits that the requirements have already been complied with and the matter is pending for finalisation at the hands of the competent authority. The husband of the petitioner died about six years ago.

In my view it is time that the benefit, if any, should now be made available to the writ petitioner. Let the competent authority settle the claim of the writ petitioner without delay and at any rate not later than three months from the date of receipt of this order. It is made clear that in view of the delay in settlement of the family pension I am of the view that the petitioner's claim for interest and arrears etc. would clearly be established in the present case.

Shri Gupta counsel for the Food Corporation of India submits the delay has been caused because of the petitioner. Mr. Koshi submits that the money is in fact deducted from the Government Servant and therefore any interest accrued to such money should be paid to the writ petitioner and it will be unfair to deny the payment of interest and arrears to the writ petitioner.

In my view the claim of the writ petitioner as regards interest and arrears is reasonable. Petition is disposed of.

Certified copy as per rules.

Sd/-
Chief Justice

J